

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2678 – SB 2604

April 11, 2012

**SUMMARY OF AMENDMENT (016189):** Authorizes a defendant who is unlawfully present in the United States and has committed certain enumerated traffic violations to be deemed a risk of flight for bail purposes. Authorizes a court clerk to set bail for such defendants at a higher amount than is normally permitted.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – Exceeds \$99,800/Permissive

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Increasing bail under a presumption of flight risk will result in additional local government expenditures to house offenders in jail for greater periods of time.
- The precise number of offenders arrested for these offenses who are determined to be unlawfully present in the United States and unable to make bail at a higher rate who would otherwise be able to make bail under current law cannot be determined.
- Based on information provided by the Comptroller of the Treasury, each offender who would have been released on bond under current practice, and is held for six months awaiting trial under this bill as amended, will cost local governments approximately \$8,318. There will be 12 or more offenders held each year for an average of six months resulting in a permissive increase in local government expenditures exceeding \$99,816 (\$8,318 x 12).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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/jaw